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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JUN LIANG,)
YUNQIU YUAN,) No. C 07-2349 BZ
Plaintiffs,)
v.) ANSWER
ALBERTO GONZALES, United States)
Attorney General, U.S. Department of Justice;)
MICHAEL CHERTOFF, Secretary of)
the Department of Homeland Security;)
EMILIO T. GONZALEZ, Director of United)
States Citizenship and Immigration Services;)
GERARD HEINAUER, Director of Nebraska)
Service Center, United States Citizenship and)
Immigration Services;)
ROBERT S. MUELLER III, Director of the)
Federal Bureau of Investigation,)
Defendants.)

Defendants hereby submit their answer to Plaintiffs' Complaint for Writ in the Nature of
Mandamus and Declaratory Judgment Under 28 U.S.C. § 1361.

1. The allegations contained in the initial Paragraph consists of Plaintiffs' characterization of
this action for which no answer is necessary; however, to the extent a response is deemed to be
required, the Defendants deny that they have improperly withheld action on Plaintiffs' application
to their detriment.

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PARTIES

2. Defendants admit the allegations in Paragraph Two.
3. Defendants admit the allegations in Paragraph Three.
4. Defendants admit the allegations in Paragraph Four.
5. Defendants admit the allegations in Paragraph Five.
6. Defendants admit the allegations in Paragraph Six.
7. Defendants admit the allegations in Paragraph Seven.
8. Defendants admit the allegations in Paragraph Eight.

JURISDICTION

10 9. Paragraph Nine consists of Plaintiffs' allegation regarding jurisdiction, to which no
11 responsive pleading is required; however, to the extent a responsive pleading is deemed necessary,
12 Defendants deny the allegations in this paragraph.

VENUE

10. Defendants admit the allegations in Paragraph Ten.

INTRADISTRICT ASSIGNMENT

11. Defendants admit the allegations in Paragraph Eleven.

EXHAUSTION OF REMEDIES

12. Defendants deny the allegations in Paragraph Twelve.

CAUSE OF ACTION

13. Defendants admit the allegations in Paragraph Thirteen.

14. Defendants admit the allegations in Paragraph Fourteen.

22 15. Defendants are without sufficient information to admit or deny the allegations in Paragraph
23 Fifteen as the USCIS does not generally track or interfile status inquiry information in the alien
24 registration file.

25 16. Defendants are without sufficient information to admit or deny the allegations in Paragraph
26 Sixteen as the USCIS does not generally track or interfile status inquiry information in the alien
27 registration file.

1 17. Defendants are without sufficient information to admit or deny the allegations in Paragraph
2 Seventeen.

3 18. Defendants are without sufficient information to admit or deny the allegations in Paragraph
4 Eighteen as the USCIS does not generally track or interfile status inquiry information in the alien
5 registration file.

6 19. Defendants are without sufficient information to admit or deny the allegations in Paragraph
7 Nineteen as the USCIS does not generally track or interfile status inquiry information in the alien
8 registration file.

9 20. Defendants admit the allegations in Paragraph Twenty.

10 21. Defendants are without sufficient information to admit or deny the allegations in Paragraph
11 Twenty-One as the USCIS does not generally track or interfile status inquiry information in the
12 alien registration file.

13 22. Defendants admit the allegations in Paragraph Twenty-Two.

14 23. Defendants admit the allegations in Paragraph Twenty-Three.

15 24. Defendants deny the allegations in Paragraph Twenty-Four.

16 25. Defendants deny the allegations in Paragraph Twenty-Five as the information that is
17 available to the public regarding processing times are estimates for routine cases.

18 26. Defendants deny the allegations in Paragraph Twenty-Six.

19 27. Defendants deny the allegations in Paragraph Twenty-Seven.

20 a) Defendants admit the allegations in subsection a of Paragraph Twenty-Four.

21 b) Defendants admit the allegations in subsection b of Paragraph Twenty-Four.

22 28. Defendants deny the allegations in Paragraph Twenty-Eight.

23 29. Defendants deny the allegations in Paragraph Twenty-Nine.

24 **PRAYER**

25 30. Paragraph Thirty consists of Plaintiffs' prayer for relief, to which no admission or denial is
26 required; to the extent a responsive pleading is deemed to be required, the Defendants deny this
27 paragraph.

FIRST AFFIRMATIVE DEFENSE

Plaintiffs' complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The court should dismiss the complaint for lack of subject matter jurisdiction.

WHEREFORE, Defendants pray for relief as follows:

That judgment be entered for Defendants and against Plaintiffs, dismissing Plaintiffs' complaint with prejudice; that Plaintiffs take nothing; and that the Court grant such further relief as it deems just and proper under the circumstances.

Dated: July 2, 2007

Respectfully submitted,

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